

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2018 DEC 13 PM 12:00

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

CLERK

SO. DIST. OF GA.  
*[Signature]*

DEANTWAN M. ALLEN,

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Petitioner,

)

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v.

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CV418-290

)

)

TERRENCE KIRKPATRICK

)

*Smith State Prison,*

)

)

Respondent.

)

**ORDER**

Deantwan Allen seeks relief from his state conviction and sentence pursuant to 28 U.S.C. § 2254. *See* doc. 1 at 1. His petition reveals that he is incarcerated at Smith State Prison. *Id.* It further reveals that he was convicted in Fulton County, Georgia. *Id.* This Court is, therefore, not the proper forum for his petition.

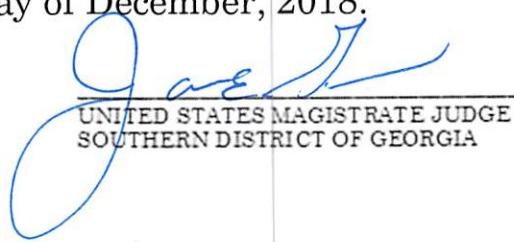
Federal law allows § 2254 petitions to be filed in the district within which petitioner was convicted or in the district within which he is confined. 28 U.S.C. § 2241(d); *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir. 2008). Thus, this Court has jurisdiction over the petition.<sup>1</sup>

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<sup>1</sup> The Clerk mistakenly filed this as a Savannah Division case, but Tattnall County lies in this Court's Statesboro Division. 28 U.S.C. § 90(c)(4). The mistake is moot,

Nevertheless, it is the longstanding judicial policy and practice to funnel such petitions into the district within which the state prisoner was convicted, since that will be the most convenient forum. *Eagle v. Linahan*, 279 F.3d 926, 933 n. 9 (11th Cir. 2001); see also *Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970); see *Wright*, 263 F. App'x at 795. That practice also fosters an equitable distribution of habeas cases between the districts. Fulton County lies in the Northern District of Georgia. See 28 U.S.C. § 90(a)(2). Accordingly, this case is **TRANSFERRED** to the United States District Court for the Northern District of Georgia for all further proceedings. See 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice); *Rufus v. Kemp*, 2013 WL 2659983 at \* 1 (S.D. Ga. June 12, 2013).

**SO ORDERED**, this 13<sup>th</sup> day of December, 2018.



UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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however, because this action is transferred to the Northern District of Georgia.